

REMARKS

Applicant respectfully requests reconsideration for the present application based on the following remarks.

In the office action, Claims 1-16 were provisionally rejected under the judicially created doctrine of double patenting over Claims 1-16 of applicant's co-pending U.S. Patent Application Serial No. 09/751,456. Also, Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,357,557 to Sakakura in view of U.S. Patent No. 6,525,657 to Wojcik. Applicant respectfully traverses the claim rejections as follows.

Applicant submits herewith a "Terminal Disclaimer To Obviate A Provisional Double Patenting Rejection Over A Pending Second Application" executed in connection with applicant's co-pending U.S. Patent Application Serial No. 09/751,456 (Attorney Docket No. 00349). Therefore, applicant respectfully requests withdrawal of the provisional double patenting rejection set forth in the office action.

Applicant submits that Claim 1 is not obvious over Sakakura in view of Wojcik because Sakakura and Wojcik fail to disclose, teach or suggest all of the elements of Claim 1. See MPEP § 2142 (a *prima facie* case of obviousness under 35 U.S.C. § 103(a) requires, among other things, that the cited references, when combined, teach or suggest every element of the claim). Applicant submits that Sakakura and Wojcik fail to disclose, teach or suggest at least the following features of Claim 1:

\* Applicant submits that Sakakura and Wojcik fail to disclose, among other

things, "combining said first and second sets of data into a combined output file based on respective said time elements of said first and second phone calls," as recited in Claim 1. Sakakura discloses transmitting an "accumulated test result." (See Sakakura, col. 3, ln. 46-49). Applicant submits that Sakakura does not disclose that its accumulated test result is, "combin[ed] *based on respective said time elements of said first and second phone calls,*" as recited in Claim 1 (emphasis added). Applicant further submits that Wojcik fails to teach this feature. Therefore, Applicant submits that both Sakakura and Wojcik fail to disclose, "combining said first and second sets of data into a combined output file based on respective said time elements of said first and second phone calls," as recited in Claim 1.

Applicant next submits that Sakakura and Wojcik fail to disclose, teach or suggest, "processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file," as recited in Claim 1. Wojcik discloses an "SAR Signature" map. (See Wojcik, col. 1, ln. 52 – col. 2, ln. 26). An SAR signature map is a "Specific Absorption Rate" signature map, and refers to the value of the electric field induced in human tissue by an RF source. (See *id*). The office action contends that producing an "SAR Signature map . . . for any given product design" as disclosed in Wojcik, reads on "processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file," as recited in Claim 1. (Office Action at p. 5).

Applicant submits that even if an SAR Signature map reads on a "graphical representation," which applicant does not concede, it still does not read on a

“graphical representation of *said combined output file*,” as recited in Claim 1 (emphasis added), at least because the “combined output file” of Claim 1 includes call-specific data. Applicant submits the SAR Signature map of Wojcik does not include call-specific data. Applicant further submits that Wojcik does not disclose, teach or suggest a “thematic mapping software program,” as recited in Claim 1. Furthermore, the examiner acknowledged that Sakakura does not disclose these features of Claim 1. (See Office Action at p. 4). Therefore, applicant submits that Sakakura and Wojcik, either alone or in combination, fail to disclose, teach or suggest at least, “processing said combined output file in a thematic mapping software program to provide a graphical representation of said combined output file,” as recited in Claim 1.

Applicant submits that there is no suggestion or motivation to combine the teaching of Sakakura and Wojcik to arrive at Claim 1, at least for the reason that the references attempt to solve different problems. See MPEP § 2143.01 (“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”)

Sakakura discloses an “inter-mobile-terminal testing method in a cellular automobile telephone system.” (See Sakakura, Abstract). Wojcik, on the other hand, discloses an apparatus and method for testing an RF device’s compliance with requirements relating to the electric field that the RF device induces in human tissue. (See Wojcik, Abstract, col. 1, ln. 52-65). Applicant submits that attempting to combine a method for testing an automobile telephone system (Sakakura) with a device for measuring the electric field that an RF device induces in human tissue (Wojcik) results in at least a partial

destruction of the teachings of the references.

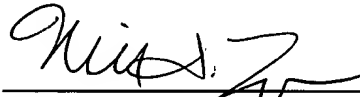
For the foregoing reasons, applicant submits that Claim 1 and Claims 2-6, which depend from Claim 1, should be allowed.

Applicant further submits that Claims 7 and 13 are allowable over Sakakura in view of Wojcik for reasons analogous to those set forth above for Claim 1. Therefore, Claims 7 and 13, as well as their respective dependent claims, 8-12 and 14-16, should be allowed.

SUMMARY

Applicant respectfully requests issuance of a notice of allowance for the pending claims in the present application. If the examiner is of the opinion that the present application is in condition for disposition other than allowance, the examiner is invited to contact the undersigned representative so that the examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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